UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION, Plaintiff v. WELLS FARGO & COMPANY, ET AL., Defendants	2:06-CV-72 DF

JOINT UNOPPOSED MOTION
TO MODIFY AMENDED DOCKET CONTROL ORDER

All Defendants jointly move the Court to modify its Amended Docket Control Order (Docket No. 328) to extend several deadlines related to the Defendants' service of preliminary invalidity contentions and production of accompanying documents.[1]

Despite the Defendants' reasonable diligence, an extension of time is needed to serve the Defendants' preliminary invalidity contentions and produce the accompanying documents due to the breadth of the issues at stake and the large number of patents-at-issue. Furthermore, the Defendants are coordinating efforts among 56 parties in order to develop the contentions in the most efficient manner possible. At this stage, however, this coordination adds an initial layer of complexity that contributes to the need for additional time. Due to these needed deadline changes, it is also necessary to alter the deadline for the exchange of any proposed terms and claim elements for construction so that the parties can properly prepare for and execute this exchange. The rest of the Court's scheduling order does not need to be disturbed beyond these few modifications.

[1] First Citizens BancShares, Inc.'s joinder of this motion is subject to, and without waiver of, its Motion to Dismiss for Lack of Personal Jurisdiction.

Accordingly, the Defendants respectfully move the Court to extend the deadlines below in the following manner:

1. The Defendants' service of preliminary invalidity contentions from **January 29** to **February 5, 2007**.

2. The Defendants' production of documents accompanying preliminary invalidity contentions from **January 29** to **February 26, 2007**.

3. The exchange of any proposed terms and claim elements for construction from **February 5** to **February 7, 2007**.

Plaintiff Data Treasury Corporation is not opposed to the relief sought herein, and thus, an agreed order is submitted herewith. *See* SECOND AMENDED DOCKET CONTROL ORDER, attached hereto as EXHIBIT "1." The extensions requested herein are brought so that justice may be done; not for purposes of delay. Accordingly, Defendants respectfully request that the Court modify its Amended Docket Control Order to change the deadlines as listed above.

Respectfully submitted,

Dated: January 18, 2007

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CERTIFICATE OF CONFERENCE

This certifies that Brett Johnson, counsel for Bank of America, conferred with Karl Rupp, counsel for plaintiff concerning plaintiff's position on this motion, and Mr. Rupp stated that plaintiff does not oppose the motion to extend the time for Defendants to answer.

/s/ Thomas M. Melsheimer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

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